

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES - GENERAL

FILED
DISTRICT COURT OF GUAM

JAN 09 2006

MARY L.M. MORAN
CLERK OF COURT

CASE NO. MJ-05-00045

DATE: 01/09/2006

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Court Recorder: Wanda Miles

Hearing Electronically Recorded: 1:04:43- 2:24:22

2:57:46 - 5:18:10; 5:22:03 - 5:26:50

Law Clerk: Judith Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: J. Lizama / L. Ogo

***** A P P E A R A N C E S *****

DEFT: JUSTIN KEITH GUERRERO

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY : CURTIS VAN DE VELD

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

DEFT: RENEA DORLEEN CRUZ-TAITANO

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY : CYNTHIA V. ECUBE

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT:

U.S. PROBATION:

U.S. MARSHAL: V. ROMAN / G. PEREZ

PROCEEDINGS: CONTINUED MOTION TO SUPPRESS EVIDENCE OBTAINED
BY ILLEGAL SEIZURE OF DEFENDANT AND CUSTODIAL
INTERROGATION WITHOUT MIRANDA WARNINGS

(X) MOTION ARGUED BY (X) GOVERNMENT (X) DEFENDANTS

(X) MOTION(s) Granted Denied Withdrawn X Under Advisement

(X) WITNESSES SWORN AND EXAMINED (X) EXHIBITS MARKED AND ADMITTED (SEE
ATTACHED EXHIBIT AND WITNESS LIST, AO FORM 187 and 187A, when applicable)

() ORDER SUBMITTED Approved Disapproved

() ORDER to prepared By: _____

(X) DEFENSE PRESENTATION CONTINUED TO: January 11, 2006 at 9:00 A.M.

(X) DEFENDANTS RELEASED AS PREVIOUSLY ORDERED

NOTES:

Government rested. Defense requested that the Court rule without further evidence to be presented by them. The Court took the matter under advisement.

The Court Granted defense counsel's motion to review the search warrant.

UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

UNITED STATES OF AMERICA

EXHIBIT AND WITNESS LIST

V.

JUSTIN KEITH GUERRERO, ET AL.

Case Number: **MJ-05-00045**

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.						PLAINTIFF'S ATTORNEY MARIVIC DAVID	DEFENDANT'S ATTORNEY CURTIS VAN DE VELD / CYNTHIA ECUBE
HEARING DATE (S) JANUARY 5 - 9, 2006						COURT REPORTER CECILLE FLORES / WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						2:32:19 BARBARA C. TAYAMA, called and sworn	
						Ms. Ecube reserved her cross of Ms. Tayama until tomorrow.	
						DX by Ms. David	
						Objection by Mr. Van De Veld regarding witnesses prior responsibilities. Overruled.	
	1			1/5/06		Handbag belonging to Ms. Taitano	
	2			1/5/06		Picture of Glass Pipe	
	3			1/5/06		Two Packets located in pouch with pipe	
						3:20:22 End of DX	
						CX by Mr. Van de Veld	
	8			1/5/06		Report by Barbara C. Tayama	
						3:51:12 - 4:06:10 BREAK	
						Continued CX by Mr. Van de Veld	
	1			1/5/06		Handbag belonging to Ms. Taitano	
	2			1/5/06		Picture of Glass Pipe	
	3			1/5/06		Two Packets located in pouch with pipe	
	4			1/5/06		Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	5			1/5/06		Statement Form of Renea D. Cruz-Taitano	
						4:53:40 END OF DAY 1	
						JANUARY 6, 2006, DAY 2	
						9:09:10 Continued DX of Ms. Tayama by Mr. Van de Veld	
	8					Report by Barbara C. Tayama	
						9:46:00 End of CX	
						CX by Ms. Ecube	
	1			1/5/06		Handbag belonging to Ms. Taitano	
	5			1/5/06		Statement Form of Renea D. Cruz-Taitano	
	4			1/5/06		Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	6			1/6/06		Statement of Rights and Waiver signed by Justin Guerrero	
	8			1/5/06		Report by Barbara C. Tayama	
						11:02:52 - 11:17:47 BREAK	
						11:17:48 Re-DX by Ms. David	
	5			1/5/06		Statement Form of Renea D. Cruz-Taitano	
	4			1/5/06		Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	5			1/5/06		Statement Form of Renea D. Cruz-Taitano	
	8			1/5/06		Report by Barbara C. Tayama	
	1			1/5/06		Handbag belonging to Ms. Taitano	
						11:40:16 End of Re-Dx	
						Re-CX by Mr. Van de Veld	
	1					Handbag belonging to Ms. Taitano	

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.						PLAINTIFF'S ATTORNEY MARIVIC DAVID	DEFENDANT'S ATTORNEY CURTIS VAN DE VELD / CYNTHIA ECUBE
HEARING DATE (S) JANUARY 5 - 9, 2006						COURT REPORTER CECILLE FLORES / WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
	4					Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	8					Report by Barbara C. Tayama	
	5					Statement Form of Renea D. Cruz-Taitano	
						12:09:07 End of Re-CX	
						Re-CX by Ms. Ecube	
	8					Report by Barbara C. Tayama	
						12:13:45 End of Re-CX	
						Ms. David stated that Agent Cho is leaving tomorrow and stated that she had no objection to defense calling Agent Cho out of order. GRANTED.	
	1		1/6/06		1/6/06	Government moved to admit Exhibits 1, 2, 3, 4 and 5. Objection by Mr. Van de Veld as to Exhibit 1. Government argued for its admission for a limited purpose. The Court GRANTED the admission Exhibit 1.	
	2		1/6/06			Mr. Van de Veld objected to Exhibit 2 and argued his position. Government stated that there was a prior agreement to its admission. The Court reserved its ruling.	
	3		1/6/06			Mr. Van de Veld objected to Exhibit 3. Government counsel argued her position. The Court reserved its ruling.	
	4		1/6/06		1/6/06	Mr. Van de Veld had no objection to Exhibit 4 for the limited purpose of demonstrating that it was signed by the persons, however, argued as to its contents. Ms. Ecube joined. Government argued for its admission. Court GRANTED the admission.	
	5		1/6/06		1/6/06	Mr. Van de Veld and Ms. Ecube had no objection to Exhibit 5. ADMITTED.	
						12:23:00 Officer Tayama was dismissed and instructed not to discuss her testimony.	
						1:35:41 Hearing Resumes	
						1:36:05 AGENT DANNY CHO, called and sworn	
						DX by Mr. Van de Veld	
						Witness Excused	
						2:41:01 Hearing Resumes	
						Stipulation by parties that the deputy clerk was home before 9:00 p.m. and her file does not indicate a contrary time to that noted on the search warrant.	
						Mr. Van de Veld renewed his request to view the original search warrant. Government counsel left it to the Court's discretion. The Court took the matter into consideration.	
						2:48:00 Continued DX by Mr. Van de Veld	
	10			1/6/06		Report of Investigation	
						3:50:08 End of DX	
						CX by Ms. David	
						3:53:18 End of CX	
						Re-DX by Mr. Van de Veld	
						4:01:07 End of Re-DX (Witness Excused)	
						4:01:57 OFFICER FRANK SANTOS, called and sworn	
						DX by Ms. David	
	4		1/6/06	1/6/06	1/6/06	Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	5		1/6/06	1/5/06	1/6/06	Statement Form of Renea D. Cruz-Taitano	
						4:15:55 End of DX	
						CX by Mr. Van de Veld	
	4		1/6/06	1/5/06	1/6/06	Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	5		1/6/06	1/5/06	1/6/06	Statement Form of Renea D. Cruz-Taitano	
						4:38:51 End of CX	
						CX by Ms. Ecube	
	4		1/6/06	1/5/06	1/6/06	Statement of Rights and Waiver signed by Renea Dorleen Cruz-Taitano	
	5		1/6/06	1/5/06	1/6/06	Statement Form of Renea D. Cruz-Taitano	
						4:58:20 End of CX	
						Witness instructed not to discuss his testimony with anyone. (5:01:58 END DAY 2)	

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.						PLAINTIFF'S ATTORNEY MARIVIC DAVID	DEFENDANT'S ATTORNEY CURTIS VAN DE VELD / CYNTHIA ECUBE
HEARING DATE (S) JANUARY 5 - 9, 2006						COURT REPORTER CECILLE FLORES / WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						JANUARY 9, 2006 - DAY 3	
						1:05:45 OFFICER FRANK SANTOS, called and sworn	
						Re-DX by Ms. David	
	5		1/6/06	1/5/06	1/6/06	Statement Form of Renea D. Cruz-Taitano	
						1:11:22 End of Re-DX	
						Re-CX by Mr. Van de Veld	
	5		1/6/06	1/5/06	1/6/06	1:16:34 End of Re-CX	
						Re-DX by Ms. David	
						End of Re-DX	
						1:16:51 Re-CX by Ms. Ecube	
						End of Re-CX	
						The Court excused the witness subject to recall.	
						The Court directed the witness not to discuss his testimony with any other witnesses.	
						1:19:22 AGENT JOHN DUENAS, called and sworn	
						DX by Ms. David	
	6			1/6/06		Statement of Rights and Waiver signed by Justin Guerrero	
	7			1/9/06		Statement Form signed by Justin Guerrero	
						1:40:23 End of DX	
						CX by Mr. Van de Veld	
	9			1/6/06		Report of Investigation by Senior Spec Agent John Duenas	
	2			1/5/06		Picture of Glass Pipe	
	6			1/6/06		Statement of Rights and Waiver signed by Justin Guerrero	
						2:40:23 Witness excused for brief meeting	
						Defense requests for copies of field notes taken by Officer Fejeran. No objection. Government counsel to ascertain notes.	
						BREAK 2:42:22 - 2:57:45	
						Ms. David informed the Court that Agent Fejeran was unable to locate his notes, however, she has been advised by Agent Fejeran that Agent Duenas reviewed his notes. The Court instructed Ms. David to provide defense counsel a copy as soon as it becomes available for review.	
						2:59:24 Continued CX of Agent John Duenas	
		A	1/9/06	1/9/06	1/9/06	Mr. Van de Veld moved to admit a drawing of the Guam Reef Hotel hallway access as Exhibit A. No objection. GRANTED.	
	4		1/6/06	1/5/06	1/6/06	Statement of Rights and Waiver of Renea Dorleen Cruz-Taitano	
	7			1/9/06		Statement Form signed by Justin Guerrero	
						3:17:43 End of CX	
						CX by Ms. Ecube	
	1		1/6/06	1/5/06	1/6/06	Handbag belonging to Ms. Taitano	
	9			1/6/06		Report of Investigation by Senior Spec Agent John Duenas	
	6			1/6/06		Statement of Rights and Waiver signed by Justin Guerrero	
	7			1/9/06		Statement Form signed by Justin Guerrero	
						3:41:10 End of CX	
						Re-DX by Ms. David	
						3:43:51 End of Re-DX	
						Re-CX by Mr. Van de Veld	
						3:52:07 End of Re-Cx (Witness Excused)	
						Mr Van de Veld reserved the right to present his case until after his argument. Ms. Ecube concurred. Government had no objection. Mr. Van de Veld argued.	
						4:34:18 Ms. Ecube argued and concurred with Mr. Van de Veld.	
						4:42:46 Argument by Ms. David	
						Rebuttal Argument by Mr. Van de Veld	
						5:26:50 END DAY 3	